ESTTA Tracking number:

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Filing date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91215026	
Party	Defendant Western Holdings, LLC	
Correspondence Address	DAVID R. PARKINSON 5742 W HAROLD GATTY DR SALT LAKE CITY, UT 84116-3762 IP@mjstc.net	
Submission	Answer	
Filer's Name	David R. Parkinson	
Filer's e-mail	IP@ppktrial.com, davidparkinson@ppktrial.com	
Signature	/David R. Parkinson/	
Date	04/01/2014	
Attachments	Answer Glyterra.pdf(16323 bytes)	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Allergan, Inc.		sition No.: 91215026	
Opposer,	Appl'	n Ser. No: 85788460	
opposer,	MARK: GLYTERRA		
V.			
Western Holdings, LLC,		ANSWER TO NOTICE OF	
Applicant.	OPPOSITION		

Applicant Western Holdings, LLC (hereinafter "Western") by and through its counsel of record hereby responds to the Notice of Opposition filed by Opposer Allergan, Inc. (hereinafter "Opposer") as follows:

- 1. Western is without sufficient information to admit or deny the allegations of Paragraph 1 of Opposer's Notice of Opposition. Western therefore denies all allegations of Paragraph 1.
- 2. Western is without sufficient information to admit or deny the allegations of Paragraph 2 of Opposer's Notice of Opposition. Western therefore denies all allegations of Paragraph 2.
- 3. Western is without sufficient information to admit or deny the allegations of Paragraph 3 of Opposer's Notice of Opposition. Western therefore denies all allegations of Paragraph 3.

- 4. Western admits the application was filed, denies the remaining allegations of Paragraph 4 of Opposer's Notice of Opposition.
 - 5. Western admits the allegations of Paragraph 5 of Opposer's Notice of Opposition.
- 6. Western hereby incorporates and realleges the denials in preceding paragraphs 1 through 5, as if set forth fully herein.
 - 7. Western denies the allegations of Paragraph 7 of Opposer's Notice of Opposition.
 - 8. Western denies the allegations of Paragraph 8 of Opposer's Notice of Opposition.
- 9. Western hereby incorporates and realleges the denials in preceding paragraphs 1 through 8, as if set forth fully herein .
- Western denies the allegations of Paragraph 10 of Opposer's Notice of Opposition.
- Western denies the allegations of Paragraph 11 of Opposer's Notice of Opposition.

FIRST AFFIRMATIVE DEFENSE

Opposer's Notice of Opposition fails to state a claim against the Defendant upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Opposer's Notice of Opposition is barred, in whole or in part, by good faith.

THIRD AFFIRMATIVE DEFENSE

Opposer's Notice of Opposition is barred, in whole or in part, by lack of standing.

FOURTH AFFIRMATIVE DEFENSE

Western reserves the right to assert such further defenses as may be discovered during the discovery period herein.

Respectfully submitted,

By: /s/ David R. Parkinson

David R. Parkinson PRICE PARKINSON & KERR, PLLC 5742 West Harold Gatty Drive

Salt Lake City, UT 84116 Telephone: (801) 530-2900 Facsimile: (801) 530-2957

Email: davidparkinson@ppktrial.com

DATED: <u>April 1, 2014</u>

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of April, 2014, a true and correct copy of the **ANSWER TO NOTICE OF OPPOSITION** was served, postage pre-paid via U.S. mail to the address listed below; and electronically submitted through the Electronic System for Trademark Trials and Appeal ("ESTTA"):

Kenneth L. Wilton Seyfarth Shaw LLP 2029 Century Park East, Suite 3500 Los Angeles, CA 90067-3021

Susan J. Hinchey Corporate Trademark Manager Allergan, Inc. 2525 Dupont Drive Irvine, CA 92612

/s/ David R. Parkinson

David R. Parkinson